IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:	§	
	§	**CASE NO. 05-62807**
PAUL PRUETT	§	
	§	**CHAPTER 7**
DEBTOR(S)	§	

CHAPTER 7 TRUSTEE'S MOTION TO DISMISS WITH PREJUDICE TO REFILING

NOTICE PURSUANT TO LOCAL RULE 9007(a)

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT (United States Bankruptcy Court, Eastern District of Texas, 110 North College Avenue, 9th Floor) AND SERVED UPON THE PARTY FILING THIS PLEADING (at the address stated below) WITHIN TWENTY (20) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Bob Anderson, Chapter 7 trustee for this estate, and files this Motion to Dismiss With Prejudice to Refiling in the above styled and numbered case, and in support thereof would show the court as follows:

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. §1334 and §151; 11 U.S.C. §707(a) and §109(g)(1), and the standing order of reference. This is a "core" proceeding pursuant to 28 U.S.C. §157(b)(2)(A) and (O).

2. This case was commenced on October 14, 2005 by the filing of a voluntary petition under Chapter 7 of Title 11.

3. Bob Anderson was appointed Interim Trustee and a 341 hearing was scheduled for December 2, 2005.

4. Pursuant to Section 343 of the Bankruptcy Code, the Debtor is required to attend a meeting of creditors convened under 11 U.S.C. §341(a). The initial meeting of creditors was noticed and convened in this case on December 2, 2005. The Debtor, Pro Se, did not appear nor did he contact Trustee regarding his non-appearance. Trustee's office attempted to contact Debtor by the phone number provided on petition. The phone number is no longer in service. No explanation has been offered for the failure of the Debtor to appear in proper prosecution of this case.

5. Cause exists pursuant to 11 U.S.C. §707(a) and 11 U.S.C. §109(g) for the dismissal of this case **with prejudice to the refiling of a case under any provision of Title 11** for a period of 180 days.

WHEREFORE, Trustee prays that this case be dismissed with prejudice as to the refiling of the same for 180 days and for general relief.

Respectfully Submitted,

SMEAD, ANDERSON & DUNN
2110 Horseshoe Lane (75605)
P. O. Box 3343
Longview, Texas 75606
903.232.1880
903.232.1881 (facsimile)

By: /s/ Bob Anderson
Bob Anderson, State Bar Card #01211300
CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I certify that, in accordance with LBR 9013(f), a true and correct copy of the foregoing pleading was served upon all parties in interest listed on the attached matrix, either by U.S. Mail or Electronically if a Registered ECF User, on the following date: December 14, 2005.

/s/ Bob Anderson
Bob Anderson